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November 5, 2021

District Judge Edward J. Davila
United States District Court
San Jose Courthouse, Courtroom 4 – 5th Floor
280 South 1st Street, San Jose, CA 95113

RE: ***US v Holmes*** - Motion *In Limine*, etc. – Conference Monday, Nov. 8 at 10:00am
Request to Participate via Telephone or Zoom Webinar

Dear Judge Davila:

I write on behalf of Roger Parloff, the journalist, witness, whose testimony is the subject of motions that will be further discussed this Monday, November 8 at 10:00.

I request that Joshua Koltun (our California counsel) and I both be permitted to appear by telephone for the Monday, November 8, 10:00am conference or in the alternative via Zoom Webinar.

I will be the one speaking to the pending motions. And while Mr. Koltun does reside in the Bay Area, he will simply be listening into the conference so that he will be better informed of Your Honor's rulings, if and when he does appear during Mr. Parloff's testimony at the trial to monitor and protect Mr. Parloff's reporter's privilege.

We have been struggling to control costs on the various motions from defendants Holmes and Balwani in both the pending civil and criminal cases.

Both parties to the case have consented to our appearing by telephone. Mr. Bostic will consent to either Zoom or telephone. Mr. Cline, however, would prefer to appear in person so agrees to our telephone appearances, though not as to Zoom.

We therefore respectfully request that the Court permit Mr. Koltun and myself to appear by telephone rather than in person, or in the alternative, to permit all parties to appear via Zoom webinar. Mr. Koltun will appear in person at the time of Mr. Parloff's testimony.

Respectfully,
/s/David S. Korzenik
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